



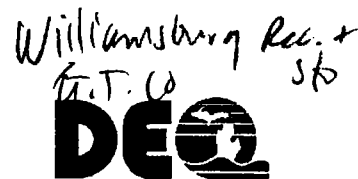
JENNIFER M. GRANHOLM
GOVERNOR

US EPA RECORDS CENTER REGION 5



527111

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

August 28, 2004

FILE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Hubbell
Williamsburg Receiving and Storage
10190 Munro Road
Williamsburg, MI 49690

NOTICE LETTER
NL-08-04-03-019C

Dear Mr. Hubbell:

SUBJECT: Williamsburg Receiving and Storage (Cherry Blossom LLC)

On July 27, 2004, Department of Environmental Quality (DEQ) staff observed water flowing from a pipe leading from Williamsburg Receiving and Storage (WRS) property to the road ditch along Munro Road. DEQ staff sampled the water and met with you and Mr. Brian Smith to learn the source of the water.

DEQ staff observed that water is discharged from a location where cherries are mixed with brine and hosed into the cherry brine pits. The water used to carry the unbrined cherries to the container is discharged to the stormwater collection basins. Water in the basins was flowing north along the parking lot and then west and out to the road ditch via a buried pipe. The water was turbid, frothy in places, and emitted a sour odor. From the pipe outlet the water was flowing south in the ditch along Munro Road until it was absorbed by the ground approximately 80 yards from the pipe. A quick pH reading with color strips showed a pH of 3 units.

WRS formerly had obtained a permit under the National Pollution Discharge Elimination System (NPDES) program for disposal of this water to Ptobego swamp. The discharge to the swamp was discontinued and the permit was terminated.

The DEQ has determined that WRS is in violation of the Natural Resources and Environmental Protection Act. Specifically, staff found the following violations:

Section 3112 (1) of Part 31 of the Natural Resources and Environmental Protection Act, Act 451 P.A. 1994 as amended (NREPA) states, "A person shall not discharge any waste or waste effluent into the waters of the state unless the person is in possession of a valid permit from the department."

WRS does not have a permit to discharge cherry water on the ground or to surface water.

Furthermore, the discharge of water without a permit violates paragraph 4.1-a of Order WMD 31-07-02, which states, "... WRS shall cease all groundwater

August 27, 2004

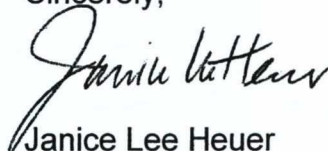
discharges from the Facility. . . No further discharges shall occur to the groundwater until WRS applies for and obtains a reissuance of the groundwater Permit authorizing the discharge of all process wastewaters proposed for discharge. . ."

Please respond to this letter by September 30, 2004, with an indication regarding actions you have taken to address the violation(s) cited above. If you are unable to complete the work by that date, please indicate when the work will be finished, or what alternative measures will be taken to correct the violation(s). The DEQ will evaluate the response, determine compliance status, and notify you of this determination.

This letter does not preclude nor limit the DEQ's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions regarding these matters, please free to contact me.

Sincerely,



Janice Lee Heuer
Environmental Engineer
Water Division
231-775-3960, Extension 6203

cc: Whitewater Township
Grand Traverse County Soil Erosion Control Office
Mr. Brian Smith, WRS
Mr. Joseph Quandt, Menmuir, Zimmerman, Kuhn, et al.
Mr. Michael Stifler, Water Division, DEQ
Mr. Rick Rusz, Enforcement Unit, Water Division, DEQ

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>Greg Bratsch</i> <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <i>Greg Bratsch</i> C. Date of Delivery <i>8-30-</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: MR CHRIS HUBBELL WILLIAMSBURG REC & STORAGE 10190 MUNRO ROAD WILLIAMSBURG MI 49690		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from sender's label) 7001 1940 0001 3197 6407		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811 August 2004